

भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 16] नई दिल्ली, शुक्रवार, मार्च 20, 1981/फाल्गुन 29, 1902
No. 16] NEW DELHI, FRIDAY, MARCH 20, 1981/PAHALGUNA 29, 1902

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 20th March, 1981:—

BILL No. 20 of 1981

A Bill further to amend the Beedi Workers Welfare Fund Act, 1976.

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. This Act may be called the Beedi Workers Welfare Fund (Amendment) Act, 1981.

Short
title.

2 of 1976,

2. In section 4 of the Beedi Workers Welfare Fund Act, 1978, (hereinafter referred to as the principal Act), in sub-section (1),—

Amend-
ment of
section
4.

(i) in clause (a),—

(a) in sub-clause (i), the words “or provision for medical allowances in lieu thereof” shall be inserted at the end;

(b) the following sub-clauses shall be inserted at the end, namely:—

“(vi) the provision for the old age pension on attainment of the age of 60 years for males and 55 years for females;

“(vii) the provision of unemployment relief in the event of a worker rendered jobless consequent to closure of unit or retrenchment measures by the employer;”;

(ii) in clause (b), for the words "or an employer", the words "an employer or a workers' organisation" shall be substituted;

(iii) in clause (d), for the words "Advisory Committees" and "Central Advisory Committee", the words "Supervisory Committees" and "Central Supervisory Committee" respectively shall be substituted.

Amend-
ment of
section
5.

3. In section 5 of the principal Act,—

(i) for the words "Advisory Committee", wherever they occur, the words "Supervisory Committee" shall be substituted;

(ii) in sub-section (1), the words "and to supervise the implementation of the Act" shall be inserted at the end.

Amend-
ment of
sections
6 and 7.

4. In sections 6 and 7 of the principal Act, for the words "Advisory Committee/Advisory Committees" and "Central Advisory Committee" wherever they occur, the words "Supervisory Committee/Supervisory Committees" and "Central Supervisory Committee" respectively shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Beedi Workers Welfare Fund Act, 1976 is meant to provide for the financing of measures to promote the welfare of persons engaged in beedi establishments.

The present law is, however, inadequate to meet all the welfare needs of the beedi workers. It is, therefore, necessary to include some welfare measures such as medical allowance, old age pension and unemployment relief.

The present law provides for financial assistance to a State Government, a local authority or an employer in aid of any scheme approved by the Central Government for the welfare of beedi workers. However, the law does not provide any assistance to any organisation formed by the workers for their own welfare. It is, therefore, proposed that the assistance should be provided to the workers organisations.

The provision for advisory committee needs to be improved because the advisory committees are mere formal and do not function effectively. For this purpose, it is necessary that these committees are given supervisory status also so that the law can be implemented more effectively in the interest of beedi workers.

Labour safety is an important part of the social security system. All these measures, apart from the measures in the law as it stands, are meant for the safety of the beedi workers.

Hence this Bill.

MUKUNDA MANDAL

NEW DELHI;
December 10, 1980.

FINANCIAL MEMORANDUM

Clause 2 of the Bill providing for medical allowance, old age pension, and unemployment relief to beedi workers will need additional financial expenditure. For this purpose it will be necessary to amend the Beedi Workers Welfare Cess Act, 1976, providing for additional cess on tobacco to meet the obligation under the Beedi Workers Welfare Fund Act, 1976.

56 of 1976.

Pending the amendment of the Beedi Workers Welfare Cess Act, 1976, the funds required to meet the additional obligation under the proposed amendments may be sanctioned from the Consolidated Fund of India.

The amount of expenditure likely to be incurred for the purpose of the Bill would depend on the figure of medical allowance, old age pension and unemployment relief of the beedi workers that may be determined after due consideration. It is, therefore, not possible at this stage to specify the recurring and non-recurring expenditure that will be involved if this Bill is enacted and brought into operation.

BILL No. 29 OF 1981

A Bill to provide for right to privacy to every citizen of India.

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Right to Privacy Act, 1981.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Short
title,
extent
and
com-
mence-
ment.

2. In this Act, unless the context otherwise requires,—

Defini-
tions.

(a) "Court" means the local court having unlimited jurisdiction of India as follows:—

(b) "Right to Privacy" means the right of any person to preserve the seclusion of himself, his family or his property from any other person.

Cause of
action.

3. Any person who has been subject to any serious and unreasonable infringement of his right to privacy shall have a cause of action against the offender.

Defences
allowed
under
the Act.

4. It shall be a defence in any action for such infringement to show that—

(a) the defendant did not knowingly infringe the right to privacy; or

(b) where the infringement consists of any words written or spoken, or visual publication of a speech in a newspaper, periodical, book or television or sound broadcast, or the infringement was reasonably necessary to comment fairly upon a subject of general public interest in which the plaintiff, his family or properties were directly involved; or

(c) the infringement was reasonably necessary for the conduct of the business, profession or other occupation of the defendant and he neither knew nor ought to have known that the plaintiff would object; or

(d) the plaintiff, explicitly or by his conduct, had consented to the infringement; or

(e) the defendant was acting in accordance with authority conferred upon him by any law for the time being in force.

Relief
by the
courts.

5. In any action brought under this Act, the court may,—

(i) award damages;

(ii) grant an injunction if it appears to be just and convenient.

Damages.

6. In assessing the damages which ought to be awarded for an infringement of the right to privacy, the court shall have regard to all the circumstances of the case, particularly the effect of the infringement upon the health, welfare and financial position of the plaintiff or his family and any financial gain which the defendant made as a result of the infringement.

Liability
of third
party.

7. Any person who knowingly derives financial benefit from an infringement of the right to privacy shall be concurrently liable with the original offender.

STATEMENT OF OBJECTS AND REASONS

Every citizen has a right to live a life that is unmolested and free from intrusion by Government or private agencies. In recent years there has been considerable invasion of privacy by such agencies and particularly by a section of the media. The laws of trespass or libel have proved to be inadequate to protect this right to privacy. The Bill seeks to provide general right to privacy to every citizen of India.

V. N. GADGIL,

NEW DELHI;
January 31. 1981.

BILL NO. 40 OF 1981

A Bill to provide for the welfare by the Government of all persons who are born handicapped, disabled or mentally retarded.

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Welfare of Handicapped, Disabled and Mentally Retarded Persons Act, 1981.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Disabled
persons, etc.
to be taken
care of by
Government.

2. All persons who are born as disabled, handicapped, mentally retarded or declared mentally retarded shall be taken care of by the Government.

3. All the expenses for their bringing up, education and training for employment and the sheltered habitation of mentally retarded persons shall be borne by the Government.

Expenses of bringing up, etc. to be borne by Government.

4. All welfare centres in the country shall be authorised to take possession of such persons who are noticed as disabled, handicapped or mentally retarded and are found to be unattended or neglected by their parents or are handed over to a welfare centre by the parents themselves.

Welfare centres to take possession of disabled persons.

5. The Government shall provide suitable employment to all such persons who are disabled, handicapped or mentally retarded on their attaining the age of 18 years.

Employment to disabled, etc.

6. (1) The Central Government may frame rules for carrying out the purposes of this Act and in particular for taking possession of persons who are disabled, handicapped or mentally retarded.

Power to frame rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It has been found that the number of children born in India as handicapped, disabled or mentally retarded has been increasing from time to time. It has been also found that these children are not properly looked after by the families and are thrown on the roadsides. In fact, due to the drawback they suffer from, they deserve the care of the Government even after they attain majority. No sufficient provisions have been made so far for their welfare and they are not treated well in the society. It is, therefore, necessary to enact this type of legislation for the welfare of such children. This may give them a feeling of equality and prosperity in comparison to others and Government should make provision for their welfare and betterment so that they can enjoy the freedom of the country.

Hence this Bill.

B. V. DESAI

NEW DELHI;
February 10, 1981.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that all expenses for bringing up such persons who are born as disabled, handicapped or mentally retarded and for their education, etc. will be borne by the Government. Clause 5 requires the Government to make provision of suitable employment for such children on their attaining the age of 18 years. The Bill, therefore, if enacted, is likely to involve recurring expenditure of about Rs. 50 crores from the Consolidated Fund of India.

A non-recurring expenditure of Rs. 10 crores is also likely to be incurred in this connection.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character,

BILL No. 31 OF 1981

A Bill to provide for the establishment of a permanent Bench of the High Court of Himachal Pradesh at Hamirpur

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. This Act may be called the High Court of Himachal Pradesh (Establishment of a Permanent Bench at Hamirpur) Act, 1981.

Short
title.

2. There shall be established a permanent Bench of the High Court of Himachal Pradesh at Hamirpur, and such judges of the High Court of Himachal Pradesh, being not less than two in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Hamirpur in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in Hamirpur, Kangra, Una, Chamba, Mandi and Bilaspur districts of Himachal Pradesh.

Establish-
ment of a
perma-
nent
Bench of
High
Court of
Himachal
Pradesh
at Hamir-
pur.

STATEMENT OF OBJECTS AND REASONS

There is dire need for locating a Bench of the High Court of Himachal Pradesh at Hamirpur for the administration of speedy and cheap justice and for the convenience of the litigant public of the region. The Bill provides for the establishment of such a Bench at Hamirpur, which is a Central and well connected city in the region.

Hence this Bill.

NARAIN CHAND PARASHAR

NEW DELHI;
February 12, 1981.

BILL NO. 41 OF 1981

A Bill to provide for regulation of pensions to Central Government pensioners

WHEREAS it is expedient to consolidate, define and amend the law relating to pensions;

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Pensions (Regulation) Act, 1981.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It applies to all Central Government pensioners, unless otherwise provided for or covered by the provisions of article 309 of the Constitution.

Short title,
extent, com-
mencement
and application.

Protection of purchasing power of pension.

2. (1) The purchasing power of all pensions sanctioned or to be sanctioned shall be protected as much as possible and for this purpose a principle of equity shall be enforced whereby all basic rates of pensions sanctioned by the Government of India upto 31 March, 1979 shall be brought up to the 1980 standard in the manner provided in sub-section (2).

(2) Any pension granted on or before 31 March, 1979 shall be increased by an amount arrived at by applying the multiplier to the basic rate of pension as given in the schedule.

Review of basic rates of pension.

3. The Government shall review the basic rates of pension after every four years after 1980, taking into consideration all relevant factors and circumstances then obtaining.

Revision of basic rates of pension.

4. Notwithstanding the provisions of section 3, whenever the scales of pay of the Central Government employees are revised, the Government shall simultaneously also review and revise the basic rates of pensions then admissible to the Central Government pensioners in consultation with a Pensioners' Advisory Committee consisting of eleven Members of Parliament and ten persons co-opted to it by the Government, of whom at least five shall be the Central Government pensioners and two family-pensioners of different status and age groups.

Consideration of individual cases by Pensioners' Advisory Committee.

5. If the provisions of this Act cause any undue hardship in any particular case, the Pensioners' Advisory Committee shall consider any such case represented to it and make suitable recommendations to the Government for a final decision.

Arrears of increase in pension to be admissible in certain cases.

6. Arrears of increase in pensions shall be made admissible only to those Central Government pensioners who have attained the age of 70 years and such arrears shall be paid with effect from a date not earlier than 1 January, 1973.

Rate of family pension.

7. Family pension shall be admissible to widows or other entitled claimants of all Central Government pensioners, irrespective of the date of their retirement from service or death, at the rate of 75 per cent. of the amount of basic pension admissible under section 2, in addition to any relief which may be sanctioned by the Government, subject to a minimum of rupees 150/- per mensem.

Payment of Pension.

8. Pension or family pension payable to a pensioner or family-pensioner, as the case may be, shall be finalised and its payment shall start within a period of one month of his/her retirement or death, as the case may be.

THE SCHEDULE

(See section 2)

Year of retirement	Multiplier	Year of retirement	Multiplier
1952 or earlier	3.00 times the current pension plus <i>ad hoc</i> relief/graded relief subject to a ceiling of Rs. 1575/ per mensem and a minimum of Rs. 200/- p.m.	1966 1967 1968 1969	2.30 times Do. 2.25 times Do. 2.20 times Do. 2.15 times Do.
1953	2.95 times Do.	1970	2.10 times Do.
1954	2.90 times Do.	1971	2.05 times Do.
1955	2.85 times Do.	1972	2.00 times Do.
1956	2.80 times Do.	1973	1.90 times Do.
1957	2.75 times Do.	1974	1.80 times Do.
1958	2.70 times Do.	1975	1.70 times Do.
1959	2.65 times Do.	1976	1.60 times Do.
1960	2.60 times Do.	1977	
1961	2.55 times Do.	(upto 30-8-77)	1.50 times Do.
		(from 1-9-77)	1.30 times Do.
		1978	1.30 times Do.
		1979	
		(up to 31-3-79)	1.30 times Do.
1962	2.50 times Do.	(from 1-4-79) current pension	Do.
		1980	current pension Do.
1963	2.45 times Do.	1981	as before
1964	2.40 times Do.	1982	as before
1965	2.35 times Do.	1983-84	as before.

STATEMENT OF OBJECTS AND REASONS

Ever rising prices are constantly eroding the purchasing power of pensions payable to the retired Central Government employees. In the circumstances, the poor pensioners are finding it very difficult to survive with their meagre amount of pension. It is, therefore, necessary that the rates of pensions payable to Central Government servants should be reviewed periodically taking into consideration the increase in the cost of living index and all other relevant factors and circumstances then obtaining with a view to give much-needed relief to the pensioners.

Hence this Bill.

ATAL BEHARI VAJPAYEE.

NEW DELHI;
February 13, 1981.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for increasing the amount of pension to the 1980 standard of the pensioners who retired in 1952 or earlier and upto 31-3-79. Clause 4 provides for revision of basic rates of pension and for the constitution of a Pensioners' Advisory Committee. Clause 6 provides for payment of arrears of increase in pension to certain pensioners. Clause 7 provides for payment of family pension at the rate of 75 per cent of basic pension admissible subject to a minimum of Rs. 150/- per mensem. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees ten crores per annum and non-recurring expenditure of rupees fifty lakhs per annum.

AVTAR SINGH RIKHY,
Secretary.

